

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of J. Alexander Marchosky  
Serial No. 09/910190  
Filed 07/19/2001  
Confirmation No. 1527  
For PATIENT-CONTROLLED AUTOMATED MEDICAL RECORD, DIAGNOSIS, AND  
TREATMENT SYSTEM AND METHOD  
Examiner Vanel Frenel

Art Unit 3687

June 14, 2010

**PETITION FOR PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 CFR §1.705(d)**

TO THE COMMISSIONER OF PATENTS,  
SIR:

Applicants previously petitioned the Commissioner on October 14, 2009 for reconsideration of the patent term adjustment determination. On March 3, 2010, Applicants were notified that the Petition was denied due to having filed prematurely.

Applicants request reconsideration of the patent term adjustment determination. Pursuant to 37 CFR §1.705(d), applicants submit the following statement of facts in support of this request for reconsideration.

According to the Patent Application Information Retrieval (PAIR) database regarding the instant application, the delay on the part of the Office is indicated as being 1260 days, and the delay on the part of applicant is indicated as being 191 days. Thus, according to PAIR the subject application is entitled to a 1069 day patent term adjustment. Applicants believe that the Office delay was incorrectly calculated, and should be **2379** days. The relevant dates for consideration follow.

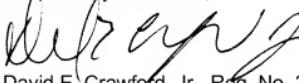
The application was filed on July 19, 2001. The 14 month date from filing was September 19, 2002. The first Office action was not mailed until after the third year anniversary of pendency. 35 U.S.C. §154 guarantees applicants no more than a three year application pendency. The Notice of Allowance was mailed on October 2, 2009, resulting in a delay of 2570 days on the part of the Office calculated as the difference between the Notice of Allowance date and the 14 month date.

In light of the foregoing, applicants believe that the patent term adjustment should be estimated to be **2379** days calculated as the difference between a USPTO delay of **2570** days and an applicant delay of **191** days.

A terminal disclaimer was not filed in this case. Applicants note that the application was not the subject of a Request for Continued Application under 35 U.S.C. §132(b) or an interference proceeding was not maintained in a sealed condition under 35 U.S.C. §181, and was not the subject of an appeal to the Board of Patent Appeals and Interferences.

As the proper petition fees of \$200 were paid on October 14, 2009 with applicants' first filing, applicants do not believe that any fees are due. If, however, the Commissioner determines that a fee is due he is authorized to charge fees from deposit account 191345.

Respectfully submitted,



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DEC/cjl